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Patent
Docket No. 282172002900

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Dated: November 7, 2006 Signature: Sandy YN
(Sandy YN)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas W. DUBENSKY, Jr. et al.
Serial No.: 10/773,792
Filing Date: February 6, 2004
For: LISTERIA ATTENUATED FOR ENTRY
INTO NON-PHAGOCYTIC CELLS,
VACCINES COMPRISING THE
LISTERIA, AND METHODS OF USE
THEREOF

Examiner: J. Graser
Group Art Unit: 1645

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. The Examiner is requested to make these documents of record.

This Supplemental Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

Application Serial No. 10/773,792

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Application Serial No. 10/773,792

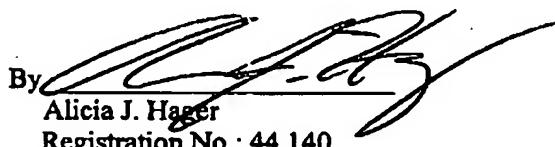
Patent
Docket No. 282172002900

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referencing 282172002900.

Dated: November 7, 2006

Respectfully submitted,

By


Alicia J. Hager
Registration No.: 44,140

MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-4296

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ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/773,792
				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
				Examiner Name	J. Graser
Sheet	1	of	1	Attorney Docket Number	282172002900

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-4,545,987	10-08-1985	Giles et al.	
	2.	US-4,556,556	12-03-1985	Wiesehahn et al.	
	3.	US-4,791,062	12-13-1988	Wiesehahn et al.	
	4.	US-5,106,619-A	04-21-1992	Wiesehahn et al.	

FOREIGN PATENT DOCUMENTS					
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					T ⁴

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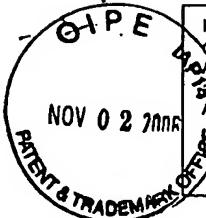
NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			

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Dated: November 2, 2006 Signature:

(Lori Sims)

Patent
Docket No. 282172002900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,792

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LISTERIA, AND METHODS OF USE
THEREOF

Examiner: J. Graser

Group Art Unit: 1645

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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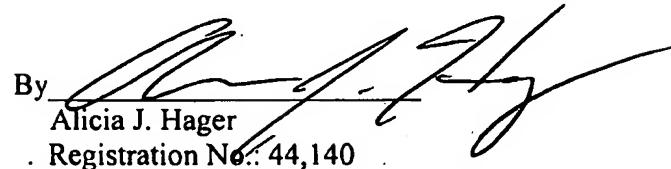
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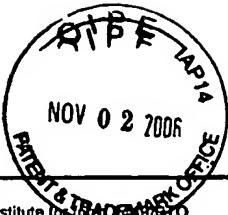
Dated: November 2, 2006

Respectfully submitted,

By


Alicia J. Hager
Registration No. 44,140

MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-4296



ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for PTO/SB/08a INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/773,792
				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
				Examiner Name	J. Graser
Sheet	1	of	1	Attorney Docket Number	282172002900

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)	MM-DD-YYYY		

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY		
	1.	WO-2005/067460-A2, A3	07-28-2005	MedImmune, Inc.	

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NON PATENT LITERATURE DOCUMENTS					
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	2.	Brockstedt, D. et al. (March 2004). "The Living Dead: Psoralen-killed Metabolically Active <i>Listeria</i> DNA Repair Mutant-based Vaccines Induce Therapeutic Anti-tumor Efficacy Targeted Against an Endogenous Antigen," abstract presented at the American Association for Cancer Research (AACR), March 27-31, 2004, as posted on < http://www.cerus.com/pages/solution/abs156.html >, last visited on August 26, 2004, two pages.			
	3.	Brockstedt, D. et al. (July 2004). "The Living Dead: Psoralen-killed Metabolically Active <i>Listeria</i> DNA Repair Mutant-based Vaccines Induce Therapeutic Anti-tumor Efficacy Targeted Against an Endogenous Antigen," abstract presented at the Gordon Research Conference on Microbial Toxins and Pathogenicity, July 18 - 23, 2004, Andover, NH, as posted on < http://www.cerus.com/pages/solution/04_GordonResearchConf_Brockstedt.html >, last visited on August 26, 2004, two pages.			
	4.	Giedlin, M. et al. (March 2004). "The Living Dead: Vaccines Against Microbial Pathogens Based on Psoralen-Killed Metabolically Active DNA Repair Mutants," abstract presented at the American Society for Microbiology (ASM) Biodefense Research Meeting, March 7-10, 2004, as posted on < http://www.cerus.com/pages/solution/abs158.html >, last visited July 18, 2004, two pages.			
	5.	Moody, G. et al. (March 2004). "Recombinant <i>Listeria monocytogenes</i> -Based Immunotherapy Targeting the Receptor Tyrosine Kinase EphA2," abstract presented at the American Association for Cancer Research (AACR), March 27-31, 2004, as posted on < http://www.cerus.com/pages/solution/abs155.html >, last visited on August 26, 2004, two pages.			

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Examiner Signature	Date Considered
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PATENT
Docket No. 282172002900

Postmarked: February 9, 2005

Signature:

Georgina Matos
(Georgina Matos)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,792

Filing Date: February 6, 2004

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Examiner: J. Graser

Group Art Unit: 1645

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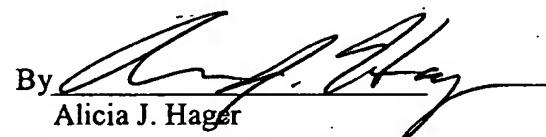
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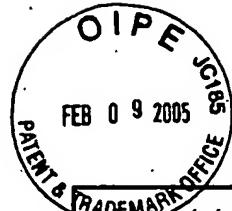
Dated: February 9, 2005

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By


Alicia J. Hager
Registration No.: 44,140

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Palo Alto, California 94304
(650) 813-4296



ALTERNATIVE TO PTO/SB/08a/b (06-03)

TRADEMARK OFFICE SEARCH Complete for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/773,792
(Use as many sheets as necessary)				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
				Examiner Name	J. Graser
Sheet	1	of	2	Attorney Docket Number	282172002900

U.S. PATENT DOCUMENTS					
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		Number-Kind Code ² (if known)	MM-DD-YYYY		
	1.	US-2002/0136738-A1	09-26-2002	Agrewala et al.	
	2.	US-2003/0077263-A1	04-24-2003	Maraskovsky et al.	
	3.	US-2004/0009194-A1	01-15-2004	Andrieu et al.	
	4.	US-6,150,424-A	11-21-2000	Breitenbach et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY		
	5.	WO-97/22349-A1	06-26-1997	The Board of Trustees of The Leland Stanford Junior University	
	6.	WO-98/09616	03-12-1998	BASF AG <i>(Abstrac)</i>	Translation of Abstract Only
	7.	WO-01/77358-A2, A3	10-18-2001	Biovex Limited	
	8.	WO-02/40046	05-23-2002	AKZO N.V.	
	9.	WO-02/083879-A2, A3	10-24-2002	Alimentary Health Limited	

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	10.	Anonymous (February 4, 2003). "Cerus Corporation Starts Vaccine Trial for Epstein-Barr Virus," <i>Press Release</i> , Cerus Corporation, located at < http://www.cerus.com/pages/PR/2003/PRO20403.html > last visited on November 8, 2004, two pages.			
	11.	Henderson, R.A. et al. (July 15, 1997). "Activation of Human Dendritic Cells Following Infection with <i>Mycobacterium tuberculosis</i> ," <i>The Journal of Immunology</i> 159(2):635-643.			
	12.	Invitation To Pay Additional Fees mailed January 5, 2005, for PCT Application Number PCT/US2004/023881 filed July 23, 2004, seven pages.			
	13.	Invitation To Pay Additional Fees mailed January 18, 2005, for PCT Application Number PCT/US2004/003671 filed February 6, 2004, seven pages.			
	14.	Maru, G. B. et al. (1987). "Formation and Persistence of Isoniazid-DNA Adducts in Mouse Tissues," <i>BIOSIS Database, Biosciences Information Service, Database Accession No. PREV198783117667</i> , Abstract, one page.			
	15.	Maru, G. B. et al. (1987). "Formation and Persistence of Isoniazid-DNA Adducts in Mouse Tissues," <i>Human Toxicology</i> 6(2):153-158.			
	16.	Rescigno, M. et al. (March 2001). "Dendritic Cells, Loaded with Recombinant Bacteria Expressing Tumor Antigens, Induce a Protective Tumor-Specific Response," <i>Clinical Cancer Research</i> 7(Suppl.):865s-870s.			

Examiner Signature		Date Considered
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pa- 950718

Substitute for form 1449/PTO				Complete If Known	
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				Filing Date	February 6, 2004
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				Examiner Name	J. Graser
Sheet	2	of	2	Attorney Docket Number	
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17.	Rescigno, M. et al. (March 2001). "Dendritic Cells, Loaded with Recombinant Bacteria Expressing Tumor Antigens, Induce a Protective Tumor-Specific Response," <i>Medline Database, U.S. National Library of Medicine (NLM), Database Accession No. NLM11300484</i> . Abstract, one page.	
18.	Sashinami, H. et al. (January 2003). "Effective Induction of Acquired Resistance to <i>Listeria monocytogenes</i> by Immunizing Mice With In Vivo-Infected Dendritic Cells," <i>Infection and Immunity</i> 71(1):117-125.	
19.	Sharma, N. et al. (July 1, 2004). "Potent Role of Vaccines Prepared from Macrophages Infected with Live Bacteria in Protection against <i>Mycobacterium tuberculosis</i> and <i>Salmonella typhimurium</i> Infections," <i>Journal of Infectious Diseases</i> 190(1):107-114.	
20.	Svensson, M. et al. (May 1, 1997). "Bone Marrow-Derived Dendritic Cells Can Process Bacteria for MHC-I and MHC-II Presentation to T Cells," <i>The Journal of Immunology</i> 158(9):4229-4236.	
21.	Worgall, S. et al. (July 2001). "Protection Against Pulmonary Infection with <i>Pseudomonas aeruginosa</i> Following Immunization with <i>P. aeruginosa</i> -Pulsed Dendritic Cells," <i>Infection and Immunity</i> 69(7):4521-4527.	

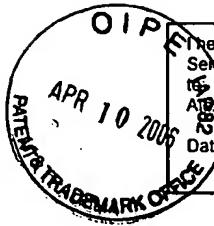
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Examiner
Signature
pa-950718

Date
Considered

[Handwritten Signature]



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Dated: April 10, 2006

Signature:

Georgina Matos
(Georgina Matos)

Patent
Docket No. 282172002900

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Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,792

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For: LISTERIA ATTENUATED FOR ENTRY
INTO NON-PHAGOCYTIC CELLS,
VACCINES COMPRISING THE
LISTERIA, AND METHODS OF USE
THEREOF

Examiner: J. Graser

Group Art Unit: 1645

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

Applicants note that the document submitted herewith as "Brockstedt, D. et al. (March 2003). "Recombinant Attenuated *Listeria monocytogenes* Elicits Robust Cellular Immune Response to Tumor-Associated Antigen in *Listeria* Immune Mice," *Proceedings of the American Association for Cancer Research, 94th Annual Meeting*, April 5-9, 2003, Toronto, Ontario, Canada, 44:194, Abstract No. 851, one page" (Ref. No. 16) was previously submitted with the Information Disclosure Statement filed on July 21, 2004, but was incorrectly identified on the Form PTO-1449 filed on that date as "Brockstedt, D. et al. (March 10, 2003). "Recombinant Attenuated *Listeria monocytogenes* Elicits Robust Cellular Immune Response to Tumor-Associated Antigen in *Listeria* Immune Mice," Abstract #851, posted online at Days of Molecular Symposium website, one page" (Ref. No. 76) due to inadvertent error.

Applicants would also like to draw the Examiner's attention to the fact that Ref. No. 3 submitted herewith is a translation of Ref. No. 10 (FR 2 686 896) previously submitted on January 6, 2005. Ref. No. 5 submitted herewith is a translation of Ref. No. 14 (WO 99/29884) submitted on January 6, 2005. Ref. No. 6 submitted herewith is a translation of Ref. No. 48 (WO 01/27295) submitted on July 21, 2004.

Applicants would also like to draw the Examiner's attention to the co-pending applications listed below:

Application Serial No. 10/883,599, filed June 30, 2004 by Dubensky, Jr. et al. and
Application Serial No. 11/173,770, filed June 30, 2005 by Dubensky, Jr. et al.

This Supplemental Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of __ is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

Application Serial No. 10/773,792

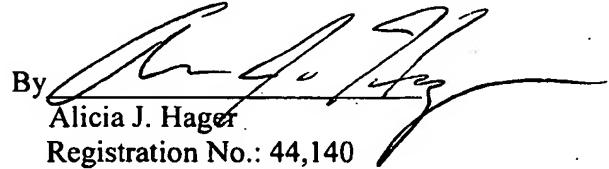
Patent
Docket No. 282172002900

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 282172002900.

Dated: April 10, 2006

Respectfully submitted,

By


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ALTERNATIVE TO PTO/SB/08 a/b (07-05)

<p>Substitute for form 1449/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p>				Complete if Known	
				Application Number	10/773,792
				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
				Examiner Name	J. Graser
Sheet	1	of	4	Attorney Docket Number	282172002900

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US-2005/0249748-A1	11-10-2005	Dubensky Jr. et al.	
	2.	US-2005/0281783-A1	12-22-2005	Kinch et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	3.	FR-2 686 896-A1	08-06-1993	Pasteur Institute	✓
	4.	WO-89/09616-A1	10-19-1989	Symbicom Aktiebolag	
	5.	WO-99/29884-A2	06-17-1999	Von Eichel-Streiber et al.	✓
	6.	WO-01/27295-A1	04-19-2001	Deutsches Krebsforschungszentrum Stiftung Des Offentlichen Rechts	✓
	7.	WO-02/33109-A2, A3	04-25-2002	Biotechnologisk Institut	
	8.	WO-03/083056-A2, A3	10-09-2003	Research Development Foundation	
	9.	WO-2004/011492-A1	02-05-2004	Commonwealth Scientific and Industrial Research Organisation	
	10.	WO-2005/009463-A2, A3	02-03-2005	Cerus Corporation	
	11.	WO-2005/037233-A2, A3	04-28-2005	Medimmune, Inc.	
	12.	WO-2005/071088-A2, A3	08-04-2005	Cerus Corporation	
	13.	WO-2005/092372-A2	10-06-2005	Cerus Corporation et al.	

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

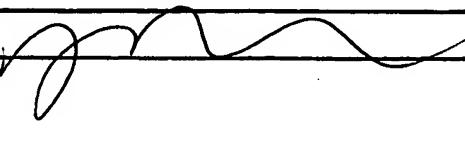
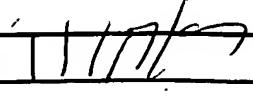
NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	14.	Barnard, J.P. et al. (February 1999). "Vaccination Against Anthrax with Attenuated Recombinant Strains of <i>Bacillus anthracis</i> That Produce Protective Antigen," <i>Infection and Immunity</i> 67(2):562-567.			
	15.	Bielecki, J. et al. (May 10, 1990). "Bacillus subtilis Expressing a Haemolysin Gene from <i>Listeria monocytogenes</i> Can Grow in Mammalian Cells," <i>Nature</i> 345(6271):175-176.			
	16.	Brockstedt, D. et al. (March 2003). "Recombinant Attenuated <i>Listeria monocytogenes</i> Elicits Robust Cellular Immune Response to Tumor-Associated Antigen in <i>Listeria</i> Immune Mice," <i>Proceedings of the American Association for Cancer Research, 94th Annual Meeting</i> , April 5-9, 2003, Toronto, Ontario, Canada, 44:194, Abstract No. 851, one page.			
	17.	Brockstedt, D.G. (Date Unknown). "Listeria-CEA Vaccine-Infected DC for Cancer Therapy," Abstract for Grant No. 1R43CA108026-01 located at < ">http://crisp.cit.nih.gov/crisp/CRISP_LIB.getdoc?testkey=6787426&p_grant_num=1R43C...> last visited June 27, 2004, two pages.			

Examiner
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Substitute for form 1449/PTO				<i>Complete if Known</i>	
				Application Number	10/773,792
				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
				Examiner Name	J. Graser
Sheet	2	of	4	Attorney Docket Number	282172002900

18.	Brockstedt, D.G. et al. (August 2005) "Killed but Metabolically Active Microbes: A New Vaccine Paradigm For Eliciting Effector T-Cell Responses and Protective Immunity," <i>Nature Medicine</i> 11(8):853-860.	
19.	Brossier, F. et al. (August 1999). "Antigen Delivery by Attenuated <i>Bacillus anthracis</i> : New Prospects in Veterinary Vaccines," <i>Journal of Applied Microbiology</i> 87(2):298-302.	
20.	Brown, D.P et al. (May 1988). "Site-Specific Integration in <i>Saccharopolyspora erythraea</i> and Multisite Integration in <i>Streptomyces lividans</i> of Actinomycete Plasmid pSE101," <i>J. Bacteriology</i> 170(5):2287-2295.	
21.	Cohen, S. et al. (August 2000). "Attenuated Nontoxinogenic and Nonencapsulated Recombinant <i>Bacillus anthracis</i> Spore Vaccines Protect Against Anthrax," <i>Infection and Immunity</i> 68(8):4549-4558.	
22.	Conradt, P. et al. (1999). "Cytolytic T-Cell Responses to Human Dendritic Cells and Macrophages Infected with <i>Mycobacterium bovis</i> BCG and Recombinant BCG Secreting Listeriolysin," <i>Microbes Infect.</i> 1:753-764.	
23.	Dubensky, T.W. (Date Unknown). "Listeria-Based Vaccines for Ovarian Cancer Therapy," Abstract for Grant No. 1R43CA101421-01 located at < http://crisp.cit.nih.gov/crisp/CRISP_LIB.getdoc?testkey=6645288&p_grant_num=1R43CA... > last visited November 3, 2004, two pages.	
24.	Dubensky, T.W. (Date Unknown). "Psoralen-Killed, Metabolically-Active Anthrax Vaccine," Abstract for Grant No. 1U01AI061199-01 located at < http://crisp.cit.nih.gov/crisp/CRISP_LIB.getdoc?testkey=6818020&p_grant_num=1U01AI... > last visited November 3, 2004, two pages.	
25.	Dubensky, T.W. (Date Unknown). "Listeria Immunotherapy for Pancreatic and Ovarian Cancer," Abstract for Grant No. 2R44CA101421-02 located at < http://crisp.cit.nih.gov/crisp/CRISP_LIB.getdoc?testkey=6992210&p_grant_num=2R44C... > last visited December 7, 2005, two pages.	
26.	Dubensky, T.W. (Date Unknown). "Psoralen-Killed, Metabolically-Active Anthrax Vaccine," Abstract for Grant No. 5U01AI061199-01 located at < http://crisp.cit.nih.gov/crisp/CRISP_LIB.getdoc?testkey=6916362&p_grant_num=5U01A... > last visited December 7, 2005, two pages.	
27.	Friedman, R.S. et al. (November 2000). "Induction of Human Immunodeficiency Virus (HIV)-Specific CD8 T-Cell Responses by <i>Listeria monocytogenes</i> and a Hyperattenuated <i>Listeria</i> Strain Engineered to Express HIV Antigens," <i>Journal of Virology</i> 74(21):9987-9993.	
28.	Giedlin, M. et al. (Date Unknown). "The Living Dead: Vaccines Against Microbial Pathogens Based on Psoralen-Killed Metabolically Active DNA Repair Mutants," Abstract 189 (H) located at < http://www.asmbiodefense.org/2004tueabs.asp >, last visited November 5, 2004, one page.	
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31.	Giedlin, M.A. et al. (March 2003). "Therapeutic Immunization with Attenuated Recombinant <i>Listeria monocytogenes</i> Prolongs Survival in a Murine Transplant Model of Melanoma," <i>Proceedings of the American Association for Cancer Research, 94th Annual Meeting</i> , April 5-9, 2003, Toronto, Ontario, Canada, 44:194, Abstract No. 850, one page.	
32.	Glomski, I.J. et al. (December 2003). "Listeria monocytogenes Mutants That Fail to Compartmentalize Listeriolysin O Activity Are Cytotoxic, Avirulent, and Unable To Evade Host Extracellular Defenses," <i>Infect. Immun.</i> 71(12):6754-6765.	

Examiner Signature		Date Considered	
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Substitute for form 1449/PTO				Complete if Known	
				Application Number	10/773,792
				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
				Examiner Name	J. Graser
Sheet	3	of	4	Attorney Docket Number	
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C	33.	Guerry, P. et al. (February 1994). "Development and Characterization of <i>recA</i> Mutants of <i>Campylobacter jejuni</i> for Inclusion in Attenuated Vaccines," <i>Infection and Immunity</i> 62(2):426-432.	
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	35.	Guzman, C.A. et al. (June 1998). "Attenuated <i>Listeria monocytogenes</i> Carrier Strains Can Deliver an HIV-1 gp120 T Helper Epitope to MHC Class II-Restricted Human CD4 ⁺ T Cells," <i>European Journal of Immunology</i> 28(6):1807-1814.	
	36.	Huang, A.T.C. et al. (May 13, 1994). "Role of Bone Marrow-Derived Cells in Presenting MHC Class I-Restricted Tumor Antigens," <i>Science</i> 264:961-965.	
	37.	International Search Report issued for PCT Application No. PCT/US2004/003671 filed February 6, 2004, mailed April 13, 2005, 12 pages.	
	38.	International Search Report issued for PCT Application No. PCT/US2005/002987 filed February 2, 2005, mailed January 19, 2006, 11 pages.	
	39.	Kiesling, A. et al. (December 1, 2002). "Prostate Stem Cell Antigen: Identification of Immunogenic Peptides and Assessment of Reactive CD8 ⁺ T Cells in Prostate Cancer Patients," <i>Int. J. Cancer</i> 102(4):390-397.	
	40.	Lampson, L.A. et al. (January 1, 1993). "Exploiting the <i>lacZ</i> Reporter Gene for Quantitative Analysis of Disseminated Tumor Growth within the Brain: Use of the <i>lacZ</i> Gene Product as a Tumor Antigen, for Evaluation of Antigenic Modulation, and to Facilitate Image Analysis of Tumor Growth <i>in Situ</i> ," <i>Cancer Research</i> 53(1):176-182.	
	41.	Lebrun, M. et al. (August 1996). "Internalin Must be on the Bacterial Surface to Mediate Entry of <i>Listeria monocytogenes</i> into Epithelial Cells," <i>Molecular Microbiology</i> 21(3):579-592.	
	42.	Lutz, M.B. et al. (1999). "An Advanced Culture Method For Generating Large Quantities of Highly Pure Dendritic Cells From Mouse Bone Marrow," <i>J. Immunol. Methods</i> 223(1):77-92.	
	43.	Mata, M. et al. (January 8, 2001). "Evaluation of a Recombinant <i>Listeria monocytogenes</i> Expressing an HIV Protein that Protects Mice Against Viral Challenge," <i>Vaccine</i> 19(11-12):1435-1445.	
	44.	McCloy, E.W. (1951). "Studies on a Lysogenic <i>Bacillus</i> Strain. I. A Bacteriophage Specific for <i>Bacillus anthracis</i> ," <i>J. Hyg.</i> 49:114-125.	
	45.	Mérino, D. et al. (2002). "A Hypermutator Phenotype Attenuates the Virulence of <i>Listeria monocytogenes</i> in a Mouse Model," <i>Molecular Microbiology</i> 44(3):877-887.	
	46.	Mollet, B. et al. (July 1993). "Directed Genomic Integration, Gene Replacement, and Integrative Gene Expression in <i>Streptococcus thermophilus</i> ," <i>J. Bacteriology</i> 175(14):4315-4324.	
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	48.	Reiter, R.E. et al. (February 1998). "Prostate Stem Cell Antigen: A Cell Surface Marker Overexpressed in Prostate Cancer," <i>Proc. Natl. Acad. Sci. USA</i> 95:1735-1740.	
	49.	Scheirlinck, T. et al. (September 1989). "Integration and Expression of α -Amylase and Endoglucanase Genes in the <i>Lactobacillus plantarum</i> Chromosome," <i>Applied and Environmental Microbiology</i> 55(9):2130-2137.	
	50.	Smith, B.T. et al. (January 2002). "Localization of UvrA and Effect of DNA Damage on the Chromosome of <i>Bacillus subtilis</i> ," <i>Journal of Bacteriology</i> 184(2):488-493.	
	51.	Smith, G.A. et al. (September 1995). "Asymmetric Distribution of the <i>Listeria monocytogenes</i> ActA Protein is Required and Sufficient to Direct Actin-Based Motility," <i>Molecular Microbiology</i> 17(5):945-951.	
	52.	Snyder, J.T. et al. (July 2004). "Protection Against Lethal Vaccinia Virus Challenge in HLA-A2 Transgenic Mice by Immunization with a Single CD8 ⁺ T-Cell Peptide Epitope of Vaccinia and Variola Viruses," <i>J. Virol.</i> 78(13):7052-7060.	

Examiner
SignatureDate
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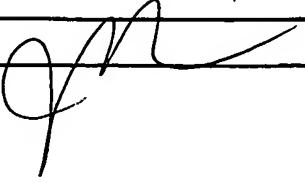
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
Sheet	4	of	4	Application Number	10/773,792
				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
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				Attorney Docket Number	282172002900

53.	Stahl, M.L. et al. (May 1984). "Replacement of the <i>Bacillus subtilis</i> Subtilisin Structural Gene with an In Vitro-Derived Deletion Mutation," <i>J. Bacteriology</i> 158(2):411-418.	1
54.	Strugnell, R.A. et al. (1990). "Stable Expression of Foreign Antigens from the Chromosome of <i>Salmonella typhimurium</i> Vaccine Strains," <i>Gene</i> 88(1):57-63.	1
55.	Svensson, M. et al. (June 1996). "Dendritic Cells Can Process Viable Bacteria and Present Bacterial Antigens on MHC-1 Molecules," <i>Scandinavian Journal of Immunology</i> 43(6):723, Abstract No. 121.	1
56.	Van Pinxteren, L.A.H. et al. (2000). "Control of Latent <i>Mycobacterium tuberculosis</i> Infection is Dependent on CD8 T cells," <i>Eur. J. Immunol.</i> 30:3689-3698.	1
57.	Welch, M.D. et al. (July 3, 1998). "Interaction of Human Arp2/3 Complex and the <i>Listeria monocytogenes</i> ActA Protein in Actin Filament Nucleation," <i>Science</i> 281:105-108.	1
58.	Winterling, K.W. et al. (April 1998). "The <i>Bacillus subtilis</i> DinR Binding Site: Redefinition of the Consensus Sequence," <i>J. Bacteriol.</i> 180(8):2201-2211.	1
59.	Wirth, R. et al. (March 1986). "Highly Efficient Protoplast Transformation System for <i>Streptococcus faecalis</i> and a New <i>Escherichia coli</i> - <i>S. faecalis</i> Shuttle Vector," <i>J. Bacteriol.</i> 165(3):831-836.	1
60.	Written Opinion issued for PCT Application No. PCT/US2004/003429 filed February 6, 2004, mailed December 7, 2004, 9 pages.	1
61.	Written Opinion issued for PCT Application No. PCT/US2004/003671 filed February 6, 2004, mailed April 13, 2005, 15 pages.	1
62.	Written Opinion issued for PCT Application No. PCT/US2005/002987 filed February 2, 2005, mailed January 19, 2006, 9 pages.	1

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PTO/SB/21 (09-04)

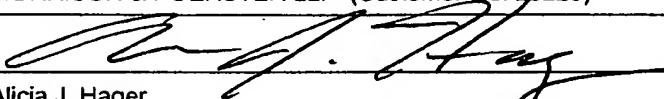
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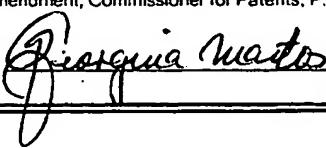
<h2 style="text-align: center;">TRANSMITTAL FORM</h2> <p style="text-align: center;"><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	10/773,792
		Filing Date	February 6, 2004
		First Named Inventor	Thomas W. DUBENSKY, Jr.
		Art Unit	1645
		Examiner Name	J. Graser
Total Number of Pages in This Submission	6 + 7 Refs.	Attorney Docket Number	282172002900

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (Supplemental – 3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney; Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> 1. Form PTO/SB/08a/b + copy (2 pages) 2. 7 References 3. Return Receipt Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Alicia J. Hager		
Date	April 21, 2005	Reg. No.	44,140

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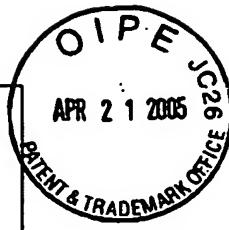
Signature:  (Georgina Matos)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV338621693US, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 21, 2005

Signature:

Georgina Matos
(Georgina Matos)



Patent
Docket No. 282172002900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,792

Filing Date: February 6, 2004

For: LISTERIA ATTENUATED FOR ENTRY
INTO NON-PHAGOCYTIC CELLS,
VACCINES COMPRISING THE
LISTERIA, AND METHODS OF USE
THEREOF

Examiner: J. Graser

Group Art Unit: 1645

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

Pursuant to 37 C.F.R. § 1.704(d), I hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of this Supplemental Information Disclosure Statement.

The documents listed on the attached Form PTO/SB/08a/b were cited in an International Search Report and/or Written Opinion mailed on April 7, 2005, directed to a counterpart international or foreign application. A certification under 37 C.F.R. § 1.97(e)(1) follows:

I hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

This Supplemental Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of __ is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

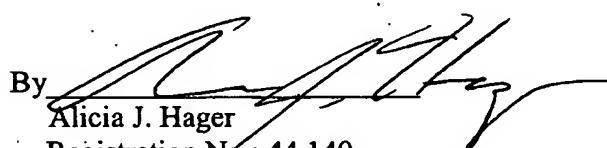
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 282172002900.

Dated: April 21, 2005

Respectfully submitted,

By


Alicia J. Hager
Registration No.: 44,140

MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-4296



ALTERNATIVE TO PTO/SB/08a/b (06-03)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete If Known	
Sheet	1	of	1	Application Number	10/773,792
				Filing Date	February 6, 2004
				First Named Inventor	Thomas W. DUBENSKY, Jr.
				Art Unit	1645
				Examiner Name	J. Graser
				Attorney Docket Number	282172002900

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
✓	1.	WO-98/33386-A1	08-06-1998	Vanderbilt University	T ⁶
✓	2.	WO-00/09156-A1	02-24-2000	Loma Linda University	T ⁶

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
		T ²			
✓	3.	Black, C.G. et al. (February 16, 1998). "Absence of an SOS-like System in <i>Neisseria gonorrhoeae</i> ," <i>Gene</i> 208:61-66.			
✓	4.	Ferguson, L.R. et al. (1987). "Frameshift Mutagenesis by Nitroacrine Analogues in Wild-Type <i>uvrB</i> <i>polA</i> and <i>recA</i> Strains of <i>Salmonella typhimurium</i> With and Without Plasmid pKM101," <i>Mutation Research</i> 184:13-21.			
✓	5.	Gentschov, I. et al. (September 29, 2000). "Delivery of Protein Antigens and DNA by Virulence-Attenuated Strains of <i>Salmonella typhimurium</i> and <i>Listeria monocytogenes</i> ," <i>Journal of Biotechnology</i> 83:19-26.			
✓	6.	International Search Report for PCT Application No. PCT/US2004/023881 filed on July 23, 2004, mailed April 7, 2005, 10 pages.			
✓	7.	Written Opinion for PCT Application No. PCT/US2004/023881 filed on July 23, 2004, mailed April 7, 2005, 11 pages.			

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
pa-973660			



1-10-05

JFW

PATENT
Docket No. 282172002900

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Dated: January 6, 2005

Signature: Georgina Matos (Georgina Matos)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,792

Filing Date: February 6, 2004

For: LISTERIA ATTENUATED FOR ENTRY
INTO NON-PHAGOCYTIC CELLS,
VACCINES COMPRISING THE
LISTERIA, AND METHODS OF USE
THEREOF

Examiner: Not Yet Assigned

Group Art Unit: 1645

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record in the application.

This Supplemental Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
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- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

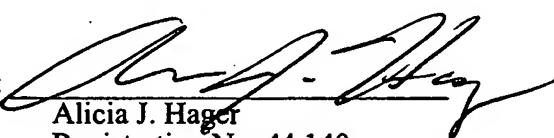
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **282172002900**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 6, 2005

Respectfully submitted,

By:


Alicia J. Hager
Registration No. 44,140

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-4296
Facsimile: (650) 494-0792



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

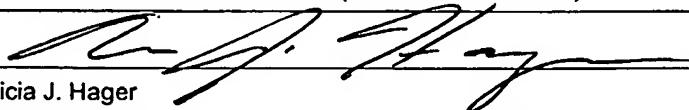
(to be used for all correspondence after initial filing)

		Application Number	10/773,792
		Filing Date	February 6, 2004
		First Named Inventor	Thomas W. DUBENSKY, Jr.
		Art Unit	1645
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	16 + 73 Refs.	Attorney Docket Number	282172002900

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Form PTO-1449 + copy (12 pages) 2. 73 References 3. Return Receipt Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement (Supplemental – 3 pages)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

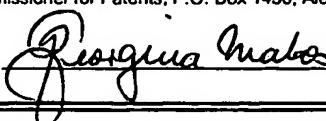
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)		
Signature			
Printed name	Alicia J. Hager		
Date	January 6, 2005	Reg. No.	44,140

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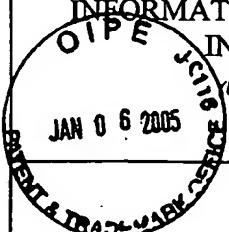
Dated: January 6, 2005

Signature:



(Georgina Matos)

Form PTO-1449		Docket Number 282172002900	Application Number 10/773,792
INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Applicant Thomas W. DUBENSKY, Jr. et al.	
		Filing Date February 6, 2004	Group Art Unit 1645
		Mailing Date January 6, 2005	



U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	03/07/2002	2002/0028432	Cook et al.			
	2.	12/05/2002	2002/0182581	Cook et al.			
	3.	09/16/2004	2004/0180321	Cook et al.			
	4.	10/07/2004	2004/0197343	Dubensky, JR. et al.			
	5.	01/09/2001	6,171,777	Cook et al.			
	6.	01/23/2001	6,177,441	Cook et al.			
	7.	06/25/2002	6,410,219	Cook et al.			
	8.	01/27/2004	6,682,729	Powell et al.			
	9.	03/23/2004	6,709,810	Cook et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	10.	08/06/1993	FR 2 686 896	France			Abstract
	11.	08/05/1993	WO 93/15212	WIPO			YES
	12.	11/07/1996	WO 96/34631	WIPO			
	13.	12/19/1996	WO 96/39818	WIPO			
	14.	06/17/1999	WO 99/29884	WIPO			
	15.	07/15/2000	WO 99/34839	WIPO			
	16.	10/17/2002	WO 02/20982	WIPO			
	17.	10/07/2004	WO 04/084936	WIPO			
	18.	12/23/2004	WO 04/110481	WIPO			

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449		Docket Number 282172002900	Application Number 10/773,792
INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Applicant	
		Thomas W. DUBENSKY, Jr. et al.	
		Filing Date February 6, 2004	Group Art Unit 1645
		Mailing Date January 6, 2005	

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	19.	Barry, R.A. et al. (April 1992). "Pathogenicity and Immunogenicity of <i>Listeria monocytogenes</i> Small-Plaque Mutants Defective for Intracellular Growth and Cell-to-Cell Spread," <i>Infection and Immunity</i> 60(4):1625-1632.
	20.	Bast, R.C. et al. (March 1975). "Antitumor Activity of Bacterial Infection. I. Effect of <i>Listeria monocytogenes</i> on Growth of a Murine Fibrosarcoma," <i>Journal of the National Cancer Institute</i> 54(3):749-756.
	21.	Bast, R.C. et al. (March 1975). "Antitumor Activity of Bacterial Infection. II. Effect of <i>Listeria monocytogenes</i> on Growth of a Guinea Pig Hepatoma," <i>Journal of the National Cancer Institute</i> 54(3):757-761.
	22.	Bergmann, B. et al. (February 2002). "InlA- but not InlB-mediated Internalization of <i>Listeria monocytogenes</i> by Non-Phagocytic Mammalian Cells Needs the Support of Other Internalins," <i>Molecular Microbiology</i> 43(3):557-570.
	23.	Boon, T. et al. (1994). "Tumor Antigens Recognized by T Lymphocytes," <i>Annu. Rev. Immunol.</i> 12:337-365.
	24.	Bouwer, H.G.A. et al. (April 14, 2003). "Recombinant L. monocytogenes as a Vaccine For Stimulation of Anti-Tumor Responses," (Abstract for the 90th Anniversary Meeting of the American Association of Immunologists, Denver, CO May 6 -10, 2003) <i>FASEB Journal</i> , 17(7):C330-331, Abstract 162.17.
	25.	Braun, L. et al. (October 1999). "The 213-amino-acid Leucine-rich Repeat Region of the <i>Listeria monocytogenes</i> InlB Protein is Sufficient for Entry into Mammalian Cells, Stimulation of PI 3-Kinase and Membrane Ruffling," <i>Molecular Microbiology</i> 34(1):10-23.
	26.	Bridges, B.A. et al. (August 1979). "Inactivation of <i>Escherichia coli</i> by Near-Ultraviolet Light and 8-Methoxypsoralen: Different Responses of Strains B/r and K-12," <i>Journal of Bacteriology</i> 139(2):454-459.
	27.	Brockstedt, D. et al. (July 2003). "Recombinant Attenuated <i>Listeria monocytogenes</i> Elicits Robust Cellular Immune Response to Tumor-Associated Antigen in <i>Listeria</i> Immune Mice," (Abstract for the 94th Annual Meeting of the American Association for Cancer Research, Washington DC, USA, July 11-14, 2003) <i>Proceedings of the American Association For Cancer Research Annual Meeting</i> 44(2):168, Abstract No. 851.
	28.	Brockstedt, D.G. et al. (September 21, 2004). "Listeria-based Cancer Vaccines That Segregate Immunogenicity From Toxicity," <i>Proc. Natl. Acad. Sci. USA</i> Vol. 101(38):13832-13837.
	29.	Brooks, P.C. et al. (August 2001). "Identification of Some DNA Damage-Inducible Genes of <i>Mycobacterium tuberculosis</i> : Apparent Lack of Correlation with LexA Binding," <i>Journal of Bacteriology</i> 183(15):4459-4467.

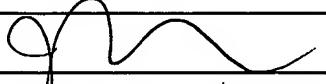
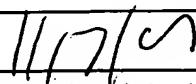
EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Docket Number 282172002900	Application Number 10/773,792
Applicant		Thomas W. DUBENSKY, Jr. et al.	
Filing Date February 6, 2004		Group Art Unit 1645	
Mailing Date January 6, 2005			

	30.	Cole, R.S. (September 1971). "Inactivation of <i>Escherichia coli</i> , F' Episomes at Transfer, and Bacteriophage Lambda by Psoralen Plus 360-nm Light: Significance of Deoxyribonucleic Acid Cross-Links," <i>Journal of Bacteriology</i> 107(3):846-852.	
	31.	Cole, R.S. et al. (1975). "Repair of Cross-Linked DNA in <i>Escherichia coli</i> " Chapter 66 <i>In Basic Life Sciences: Molecular Mechanisms For Repair of DNA</i> Part B, Hollaender, A. ed. Plenum Press, pp 487-495.	
	32.	Dramsi, S. et al. (May 1997). "Identification of Four New Members of the Internalin Multigene Family of <i>Listeria monocytogenes</i> EGD," <i>Infection and Immunity</i> 65(5):1615-1625.	
	33.	Drevets, D.A. (July 1999). "Dissemination of <i>Listeria monocytogenes</i> by Infected Phagocytes," <i>Infection and Immunity</i> 67(7):3512-3517.	
	34.	Drevets, D.A. et al. (November 1995). " <i>Listeria monocytogenes</i> Infects Human Endothelial Cells by Two Distinct Mechanisms," <i>Infection and Immunity</i> 63(11):4268-4276.	
	35.	Dusto, M.M. et al. (January 1979). "Antitumor Activity of <i>Listeria monocytogenes</i> on a Guinea Pig Fibrosarcoma," <i>Infection and Immunity</i> 23(1):54-60.	
	36.	Engelbrecht, F. et al. (1996). "A New PrfA-Regulated Gene of <i>Listeria monocytogenes</i> Encoding a Small, Secreted Protein Which Belongs to the Family of Internalins," <i>Molecular Microbiology</i> 21(4):823-837.	
	37.	Fong, L. et al. (March 15, 2001). "Dendritic Cells Injected Via Different Routes Induce Immunity in Cancer Patients," <i>Journal of Immunology</i> 166:4254-4259.	
	38.	Fong, L. et al. (November 2002). "Productive Infection of Plasmacytoid Dendritic Cells with Human Immunodeficiency Virus Type 1 Is Triggered by CD40 Ligation," <i>Journal of Virology</i> 76(21):11033-11041.	
	39.	Frankel, F.R. et al. (October 1994). "Delivery of HIV Antigens Using <i>Listeria monocytogenes</i> as a Live Vaccine Vector," <i>Abstracts of Papers Presented at the 1994 Meeting on Molecular Approaches to the Control of Infectious Diseases (October 5 - 9, 1994)</i> Cold Spring Harbor Laboratory Press: Cold Spring Harbor, NY pg. 56.	
	40.	Frankel, F.R. et al. (1995). "Induction of Cell-Mediated Immune Responses to Human Immunodeficiency Virus Type 1 Gag Protein by Using <i>Listeria monocytogenes</i> as a Live Vaccine Vector," <i>The Journal of Immunology</i> 155:4775-4782.	
	41.	Freitag, N.E. et al. (April 1999). "Examination of <i>Listeria monocytogenes</i> Intracellular Gene Expression by Using the Green Fluorescent Protein of <i>Aequorea victoria</i> ," <i>Infection and Immunity</i> 67(4):1844-1852.	
	42.	Gaillard, J-L. et al. (February 1996). "The <i>inlAB</i> Locus Mediates the Entry of <i>Listeria monocytogenes</i> into Hepatocytes In Vivo," <i>Journal of Experimental Medicine</i> 183(2):359-369.	
	43.	GenBank Accession No. AE017040 created on May 1, 2003, located at < http://www.ncbi.nlm.nih.gov > last visited on November 15, 2004, 159 pages.	

EXAMINER:		DATE CONSIDERED:	
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.			

Form PTO-1449		Docket Number 282172002900	Application Number 10/773,792
INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Applicant Thomas W. DUBENSKY, Jr. et al.	
		Filing Date February 6, 2004	Group Art Unit 1645
		Mailing Date January 6, 2005	

	44.	GenBank Accession No. AL591824 created on July 18, 2002, located at <http://www.ncbi.nlm.nih.gov> last visited on November 15, 2004, two pages.
	45.	GenBank Accession No. AL591974 created on June 6, 2002, located at <http://www.ncbi.nlm.nih.gov> last visited on November 15, 2004, 87 pages.
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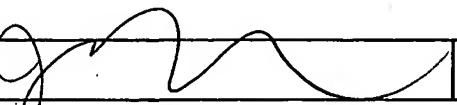
Form PTO-1449		Docket Number 282172002900	Application Number 10/773,792
INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Applicant Thomas W. DUBENSKY, Jr. et al.	
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PATENT
Docket No. 282172002900

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Sandy Yi

Sandy Yi

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas W. DUBENSKY, Jr. et al.

Serial No.: 10/773,792

Filing Date: February 6, 2004

For: LISTERIA ATTENUATED FOR ENTRY
INTO NON-PHAGOCYTIC CELLS,
VACCINES COMPRISING THE
LISTERIA, AND METHODS OF USE
THEREOF

Examiner: Not Yet Assigned

Group Art Unit: 1616

INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references are

not submitted. Copies of foreign documents and non-patent literature are submitted herewith.

The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of __ is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does

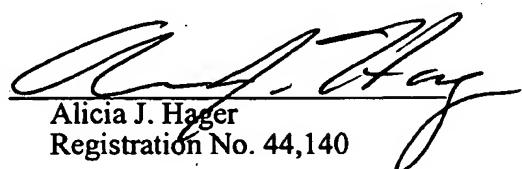
not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **282172002900**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 21, 2004

Respectfully submitted,

By:


Alicia J. Hager
Registration No. 44,140

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
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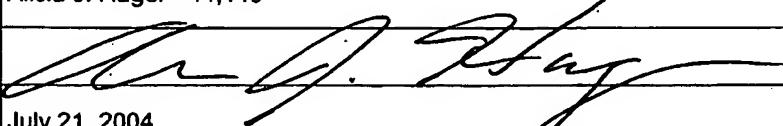
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		Application Number	10/773,792
		Filing Date	February 6, 2004
		First Named Inventor	Thomas W. DUBENSKY, Jr.
		Art Unit	1616
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	28 + 159 refs.	Attorney Docket Number	282172002900

ENCLOSURES (Check all that apply)

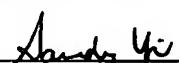
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Date	July 21, 2004

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Sheet 1 of 12

Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

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Docket Number 282172002900	Application Number 10/773,792
Applicant	Thomas W. DUBENSKY, Jr. et al.
Filing Date February 6, 2004	Group Art Unit 1616
Mailing Date July 21, 2004	

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/28/2002	2002/0025323	Paterson et al.			
	2.	03/07/2002	2002/0028206	Paterson			
	3.	04/18/2002	2002/0045587	Goebel			
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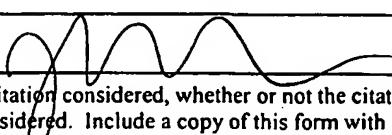
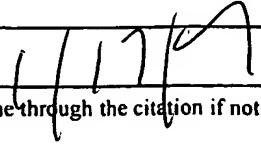
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(Use several sheets if necessary)			Filing Date February 6, 2004	Group Art Unit 1616
			Mailing Date July 21, 2004	

27.	11/28/2000	6,153,430	Pastan et al.			
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	34.	06/01/1989	WO 89/04669	WIPO			
	35.	10/04/1990	WO 90/11089	WIPO			
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	37.	08/05/1993	WO 93/15212	WIPO	Abstract only		Abstract
	38.	05/17/1996	WO 96/14087	WIPO			
	39.	01/22/1998	WO 98/02523	WIPO			
	40.	07/16/1998	WO 98/30545	WIPO			
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	44.	07/08/1999	WO 99/34007	WIPO			
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	48.	04/19/2001	WO 01/27295	WIPO	Abstract only		Abstract
	49.	10/04/2001	WO 01/72329	WIPO			
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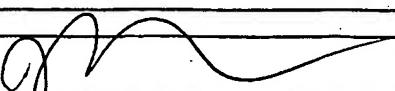
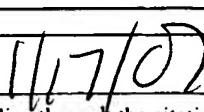
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	54.	07/31/2003	WO 03/061379	WIPO				
	55.	11/13/2003	WO 03/092600	WIPO				
	56.	12/11/2003	WO 03/102168	WIPO				
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	58.	Aggarwal, A. et al. (October, 1990). "Oral <i>Salmonella</i> : Malaria Circumsporozoite Recombinants Induce Specific CD8 ⁺ Cytotoxic T Cells," <i>J. Exp. Med.</i> 172:1083-1090.
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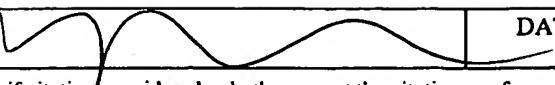
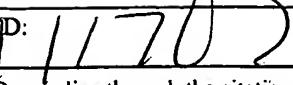
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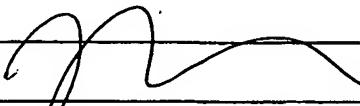
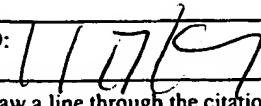
Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		Docket Number 282172002900	Application Number 10/773,792
Applicant		Thomas W. DUBENSKY, Jr. et al.	
Filing Date February 6, 2004		Group Art Unit 1616	
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